

Date Posted: March 6, 2015

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

March 11, 2015

**Council Chambers, City Hall, 145 Taunton Avenue, East Providence,
RI 02914**

7:00 P.M. Executive Session, Room 101

7:30 P.M. Open Session

I. EXECUTIVE SESSION

The City Council of the City of East Providence will meet in Executive Session pursuant to RI General Laws § 42-46-5 (a) (1)(2).

A. New Claims:

- 1. Derek Jakubiec**
- 2. Edward Reed**
- 3. Matthew Simon**
- 4. Sonia Vieira**

B. Sewer Charge Abatements:

- 1. Louis & Rosa Daly**
- 2. Kevork Masdanian**
- 3. Marie Medeiros Life Estate & Lucille Medeiros**

II. CALL TO ORDER

III. SALUTE TO THE FLAG

IV. TO APPROVE THE CONSENT CALENDAR

All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.

A. Letters

- 1. Resolution City of Warwick supporting of H 5044 regarding taxation of development property.**
- 2. Resolution Town of Middletown opposing H 5257 regarding relating to waters and navigation - harbors and harbor lines.**

B. Cancellation/Abatements

Year	Amount
2013	\$336.94
2012	\$411.42
Total	\$748.36

C. Alcoholic Beverage Class F

- 1. Sacred Heart Church, 118 Taunton Avenue (02914), Lenten Dinner, March 14, 2015, Father Peter DiTullio.**

2. St Martha's Church, 2595 Pawtucket Avenue (02914), Irish-Italian Night, March 14, 2015, Reverend David E. Green.

D. Council Journals

- 1. Regular Meeting January 20, 2015**
- 2. Executive Session October 21, 2014**

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

V. PUBLIC COMMENT

All persons wishing to make public comment shall sign a public comment sheet stating their name, address, and the subject of their comments. Said comments should pertain to topics listed on the public Council docket. Said public comment sheet shall be available on a desk at the entrance of the City Hall Chambers no later than forty-five (45) minutes before the call to order of any regularly scheduled council meeting and shall be delivered to the presiding officer no earlier than five (5) minutes before the call to order of the meeting.

VI. PROCLAMATIONS AND PRESENTATIONS

A. Tony Ottone – Spectacular Snow Display (by Councilwoman

Capobianco)

B. Carl Sweeney – Hope and Faith Community Food Drive (by Councilwoman Capobianco)

C. Martin Middle School Wrestling Team (by Councilwoman Capobianco)

D. East Providence High School Girls Basketball Team for the Coaches vs Cancer (by Councilwoman Capobianco)

E. Opportunity Knocks (by Councilwoman Capobianco)

VII. APPOINTMENTS

A. East Providence Housing Authority – Reappointment (By Mayor Rose)

Antero Braga, 527 Forbes Street (02915)

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

VIII. PUBLIC HEARINGS

A. Enterprise Zone Re-designation

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

IX. PUBLIC HEARING- COMPREHENSIVE PLAN AND ZONING MAP AMENDMENT

Advertised East Providence Post – February 12, 19 and 26, 2015

Request for an amendment to the Comprehensive Plan by VSH Realty, Inc. & Cumberland Farms, Inc., for property located at: Map 309, Block 6, Parcels 5 and 6, at 9 Wampanoag Trail and 15 Wampanoag Trail from an existing designation of low-density residential to retail with conditions as outlined in the Planning Board memorandum to the City Council dated March 3, 2015.

Petitioner: VSH Realty, Inc. and Cumberland Farms, Inc.

Request for a rezoning by VSH Realty, Inc. & Cumberland Farms, Inc., for property located at: Map 309, Block 6, Parcels 5 and 6, at 9 Wampanoag Trail and 15 Wampanoag Trail from an existing zoning of Residential- 3 to a requested zoning of Commercial-2 with conditions as outlined in the Planning Board Memorandum to the City Council dated March 3, 2015.

Petitioner: VSH Realty, Inc. & Cumberland Farms, Inc.

A. AN ORDINANCE IN AMENDMENT OF THE CITY OF EAST PROVIDENCE 2010-2015 COMPREHENSIVE PLAN UPDATE

SECTION I. Map 3 of the City of East Providence 2010-2015

Comprehensive Plan Update entitled "Central East Providence Generalized Land Use" is hereby amended to identify the parcels designated as Assessor's Map 309, Block 6, Parcels 5 and 6 as retail use subject to the following conditions:

1. That the use of the property be restricted to a convenience store and gas pumps, and further, that in the event the properties are not developed into, or used as a convenience store and gas pumps, the properties would revert to their original status as "Low density residential" designated on the generalized land use map of the City's Comprehensive Plan;

2. That all of the landscaping, storm water management, lighting, buffer requirements and parking area design standards of a Development Plan Review are met, which are defined in Article 8 of zoning or a reasonable attempt as shall be determined by the Development Plan Review Committee is made by the applicant to meet the minimum standards.

The Central East Providence Generalized Land Use Map (Map 3) of the City of East Providence 2010-2015 Comprehensive Plan Update shall be amended accordingly.

SECTION II. This ordinance shall take effect upon passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Planning Department

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

B. AN ORDINANCE IN AMENDMENT OF CHAPTER 19 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND 1998, AS AMENDED, ENTITLED "ZONING"

SECTION I. Section 19-95 entitled "Districts Designated" of Article III entitled "District Regulations" is hereby amended as follows:

Parcels 5 and 6 on Assessor's Map 309, Block 6 presently designated as a Residential 3 District are hereby changed to a Commercial 2 District subject to the following conditions:

1. That the use of the properties be restricted to a convenience store and gas pumps and further, that in the event the properties are not developed into or used as a convenience store and gas pumps, the properties would revert to their original status as a Residential-3 designation on the City's Official Zoning Map;

2. That all of the landscaping, storm water management, lighting, buffer requirements and parking area design standards of a Development Plan Review are met, which are defined in Article 8 of zoning or a reasonable attempt as shall be determined by the Development Plan Review Committee is made by the applicant to meet the minimum standards.

The Zoning Map of the City of East Providence shall be amended accordingly.

SECTION II. This ordinance shall take effect upon passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Planning Department

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

X. NEW BUSINESS

A. City Managers Report (by Acting City Manager, Paul Lemont)

1. Prequalification for Contractors for Improvements to Central Avenue and Silver Spring Playgrounds

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

2. John Carnevale discussion regarding Pierce Field Basketball Court improvements.

B. Reports of Other City Officials

1. Claims Committee Report (by City Solicitor Timothy Chapman)

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

C. Council Members

- 1. Donation Box on Tax Bills (by Mayor Rose)**
- 2. K-Rob Foundation (by Councilwoman Capobianco)**
- 3. Trash Collection (by Councilwoman Capobianco)**

D. Report of School Committee Liaison

E. Resolutions

1. RESOLUTION AUTHORIZING AND ENDORSING THE APPLICATION FOR ENTERPRISE ZONE REDESIGNATION UNDER THE RHODE ISLAND ENTERPRISE ZONE PROGRAM

WHEREAS, the City of East Providence is desirous of submitting a re-designation application to the State of Rhode Island Enterprise Zone Council under the provisions of Title 42, Chapter 64.3 of the Rhode Island General Laws, as amended for the re-designation of the City of East Providence Enterprise Zone located within the jurisdiction of the City of East Providence; and

WHEREAS, this re-designation requires the City of East Providence to make certain assurances and accept such terms and conditions that are required under Title 42, Chapter 64.3 of the Rhode Island General Laws; and

WHEREAS, the City Council of the City of East Providence, Rhode

Island desires to support said application for re-designation to the Rhode Island Enterprise Zone Council; and

WHEREAS, the City of East Providence recognizes that changing demographic and economic distress criteria in the City requires the adjustment of participating Census Tract Block Groups within the East Providence Enterprise Zone.

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of East Providence be authorized and empowered to submit a re-designation application to the Rhode Island Enterprise Zone Council for the acceptance and re-designation of the City of East Providence Enterprise Zone established on January 1, 1995 and further requesting that participating Census Tracts in the zone be amended to remove Block Group 1 of Census Tract 107.01 from the East Providence Enterprise Zone and add Block Group 1 of Census Tract 105.01 as part of the five year re-designation of the zone commencing on January 1, 2015.

Requested by: Planning Department

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

2. RESOLUTION IN OPPOSITION TO HOUSE BILL H-5257 RELATING TO WATERS AND NAVIGATION – HARBORS AND HARBOR LINES

WHEREAS, the City Council of the City of East Providence has been notified that H-5257 has been introduced proposing legislation entitled “Relating to Waters and Navigation – Harbors and Harbor

Lines”, and

WHEREAS, House Bill H-5257 would prevent a municipality from regulating moorings and the collection of annual mooring fees, and

WHEREAS, House Bill H-5257 establishes an order of priority for persons applying for moorings and would create a fee schedule for moorings to be collected by the State; and

WHEREAS, the City of East Providence would still be responsible for placement, inspection, dredging, permitting, processing, record keeping, enforcement, and maintenance of the City moorings and the cost for same; and

WHEREAS, House Bill H-5257 would have a negative fiscal impact on the City of East Providence budget causing a reduction in income which would force taxpayers to carry the fiscal burden.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of East Providence respectfully requests the General Assembly oppose House Bill H-5257 along with any Senate version which may be introduced “Relating to Waters and Navigation – Harbors and Harbor Lines”.

BE IT FURTHER RESOLVED that the City Council of the City of East Providence hereby requests that the City Clerk send a copy of this Resolution to the Governor of the State of Rhode Island, the Lieutenant Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of Representatives and the Senators and Representatives from the City of East Providence.

Requested by: Mayor Rose

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

F. Introduction to Ordinances

1. An ordinance amending the Beautification Ordinance.

AN ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “ADMINISTRATION”

SECTION I. Sec. 2-203 entitled “Election of officers; rules, records and reports” of Division 12 entitled “Beautification Commission” of Article III entitled “Boards, Committees, Commissions” of Chapter 2 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Administration” is amended to read as follows:

The beautification commission shall elect a chair from among its members whose term of office shall be one year and who may be eligible for reelection thereafter. The commission at its discretion shall elect a vice-chair. The commission shall also elect a secretary, treasurer, and historian in the same manner as chair. The commission shall adopt bylaws for the transaction of its business subject to the approval of the city council.

SECTION II. This ordinance shall take effect upon its second passage

and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Councilwoman Capobianco

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

2. An ordinance regarding a One Way on Fort Street (eastbound) from Fifth Street to Seventh Street during the hours of 8:30am to 9:30am and 2:30pm to 3:30pm on school days.

AN ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED“VEHICLES AND TRAFFIC”

SECTION I. Section 18-247 entitled “Designation of one-way streets” of Article VIII entitled “One-Way Streets” of Chapter 18 entitled “Vehicles and Traffic” is amended by adding thereto the following:

Fort Street (eastbound) from Fifth Street to Seventh Street during the hours of 8:30 a.m. to 9:30 a.m. and 2:30 p.m. to 3:30 p.m. on school days.

SECTION II. This ordinance shall take effect upon second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Councilman Cunha

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

G. Communications

1. Ron Moniz, 82 Oak Crest Drive (02915) requesting to address the Council regarding AFLAC Insurance full open enrollment in the City of East Providence due to the fact that they have had an account since 1977 and in the past 10 years have not been able to do a complete open enrollment.

2. David Silva, 1086 South Broadway, Apt. 6 (02916) requesting to address the Council regarding accessibility at the Grove Street Post Office.

XI. ADJOURNMENT

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

***If communications assistance is needed or any other accommodations to ensure equal participation please contact the City Clerk's Office at 435-7590.**